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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,847	06/22/2001	Joseph Belfiore	13768.146.2	8606

22913   7590   05/06/2005

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER
KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _20 January 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
      Paper No(s)/Mail Date _____ .   6) ☐ Other: _____ .

DETAILED ACTION

Applicant has elected, without traverse, the group consisting of claims 1-20.

Claims 1-20 are pending.

Priority

A claim for priority from provisional application 60/213562, has been made. The effective filing date for subject matter in the application is 22 June 2000.

Claim Rejections - 35 USC § 112

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 8-10, and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ankireddipally et al. (U.S. Patent Number 6,772,216, hereinafter "Ankireddipally"). Ankireddipally discloses an interaction protocol for managing cross company processes among network-distributed applications. Ankireddipally shows:

In referring to claims 1, 8, 9, 15, 16, 19, and 20,

- A first server of the plurality of servers receiving a request for a service:

  Ankireddipally, Fig. 17 shows receiving a request 510 from a client

- The first server determining that further information is needed from at least a second server in order to respond to the request for the service; the first server structuring a request for the further information utilizing a schema recognized by both the first server and the second server, wherein the meaning of the request for further information is implied by the schema; the first server dispatching the request for the further information to the second server using a transport-independent messaging infrastructure;

  Ankireddipally, Fig. 17 shows determining that further information is needed 520 and sending a request for said further information 532 (first column)

- The first server receiving a response from the second server, the response including the further information:

  Ankireddipally, Fig. 17 shows receiving a response from the second server 532 (second column)

- The first server using the further information to respond to the request for the service:

  Ankireddipally, Fig. 17 shows using the further information to respond to the request for the service 550

In referring to claim 2,

- The first server structuring the request in accordance with an eXtensible Markup Language (XML):

  "In still another aspect of the system of the present invention, the structured document data structure of the system uses Extensible Markup Language (XML) tags indicating control data and input-output data." (Ankireddipally, col. 9, lines 27-30)

In referring to claim 3,

- The first server receiving the response from the second server in the form of a data structure structured in accordance with an extensible Markup Language (XML):

Ankireddipally, col. 9, lines 27-30 (see full quote above)

In referring to claim 5,

- The first server structuring the request in accordance with an extensible Markup Language (XML):
  Ankireddipally, col. 9, lines 27-30 (see full quote above)

In referring to claim 10,

- The common Application Program Interface communicating with a HyperText Transport Protocol (HTTP) transport:
  Ankireddipally, Fig. **15** shows the API communicating with a HyperText Transport Protocol (HTTP) transport

In referring to claim 12,

- The common Application Program Interface communicating with a multicast transport.
  "The message content data portion further indicates transaction request data, which, when parsed by a process automation application, causes the process automation application to produce an ordered sequence of XML application interaction message documents according to at least one of the request-reply, the publish-subscribe, and the broadcast-multicast application-to-application interaction." (Ankireddipally, col. 9, lines 45-52)

In referring to claim 13,

- The common Application Program Interface communicating with an SMTP transport:
  "Commerce exchange component 21 includes transportation/communication module 51 for handling messages in SMTP format. Communication service 12 of CX server 10 may be implemented with bridge mechanism 57 for translating messages between TCP/IP and SMTP message formats." (Ankireddipally, col. 15, lines 52-57)

In referring to claim 14,

- The first server of the plurality of servers receiving the request for service from a third server:

  Ankireddipally, Fig. **1** shows servers **26, 22,** and **24** which can generate requests that will be sent through a first server **10,** in turn requesting information from a second server

In referring to claim 17,

- The computer-readable medium is a physical storage medium:

  All computer-readable mediums that have computer-executable instructions stored thereon, are physical storage mediums

In referring to claim 18,

- Computer-executable instructions for structuring the request in accordance with an extensible Markup Language (XML):

  Ankireddipally, col. 9, lines 27-30 (see full quote above)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankireddipally in view of Mein et al. (U.S. Patent Number 6,457,066, hereinafter "Mein").

In referring to claims 4 and 6, although Ankireddipally shows substantial features of the claimed invention, Ankireddipally does not explicitly show using a Simple Object Access

Protocol (SOAP). Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Ankireddipally as evidenced by Mein.

In analogous art, Mein discloses a Simple Object Access Protocol (SOAP). Mein shows: *"In summary, since most servers are protected by firewalls, only certain types of packets, such as HTTP packets, may pass through to the server, and since HTTP is not suited for interactivity, the goal of providing dynamic content over the Internet is severely limited. Thus, in order to fully realize the potential of distributed component software and of dynamic content on the World Wide Web, there exists a need for software having the ability to access and invoke Automation objects through firewalls."* (Mein, col. 2, lines 59-67)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Ankireddipally so as to use a SOAP, such as taught by Mein, in order to to allow the software to access and invoke automation objects through firewalls.

In referring to claim 7, shows,

- The first server receiving the response from the second server in the form of a data structure structured in accordance with an extensible Markup Language (XML):
  Ankireddipally, col. 9, lines 27-30 (see full quote above)

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ankireddipally in view of "Microsoft Message Queuing Services (MSMQ) Tips", February 23, 1999 (hereinafter "Microsoft"). Although Ankireddipally shows substantial features of the claimed invention, Ankireddipally does not explicitly show using an MSMQ binary transport. Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Ankireddipally as evidenced by Microsoft.

In analogous art, Microsoft discloses tips for using Microsoft Message Queuing Services. Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Ankireddipally so as to use an MSMQ

binary transport, such as taught by Caron, in order to enable applications running at different times to communicate across heterogeneous networks and systems that may be temporarily offline.
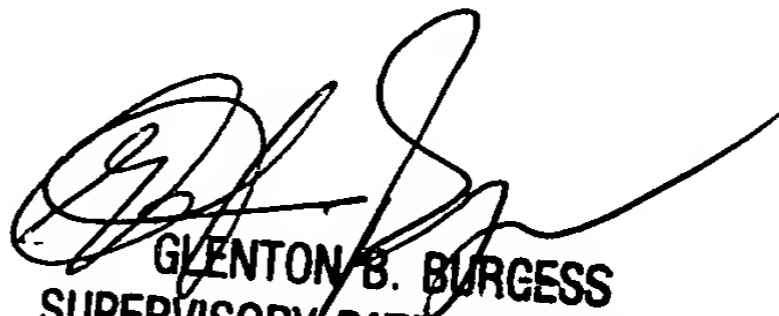
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (571) 272-3955. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
Art Unit 2153

smk

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100